

Message

From: Martin, Donald W [Donald.W.Martin@wv.gov]
Sent: 5/9/2013 7:02:04 PM
To: Bunker, Kelly [Bunker.Kelly@epa.gov]
Subject: RE: MPM Silicones response
Attachments: MPM submittal review memo WVDEP 2-27-13.pdf; chronological self-assessment 2007 thru WWTP excavation 2009 5-9-13 dwm.pdf

Sure, here you go (without the accompanying compilation of documents that were originally sent to Luis as part of that memo). I'll forward those separately.

I've also tried to attach a compilation of documents from their submittal, that pertain to their self-initiated assessment & communications with you in 2007, through their excavation of an area associated with the WWTP in 2008, and subsequent invoicing in 2009. It might be too big for one email.

One \$64 question is, what became of the two roll-offs of PCB contaminated soils?

Thanks,
Don

From: Bunker, Kelly [mailto:Bunker.Kelly@epa.gov]
Sent: Thursday, May 09, 2013 2:50 PM
To: Martin, Donald W
Cc: Armstead, Charles W
Subject: RE: MPM Silicones response

The first message in this chain is from you and it mentions a memo outlining your thoughts concerning the site. Is that something that would be useful for me to read before our call. If so, could you send it to me?
Kelly

From: Martin, Donald W [mailto:Donald.W.Martin@wv.gov]
Sent: Thursday, May 09, 2013 2:47 PM
To: Bunker, Kelly
Cc: charles.w.armstead@wv.gov
Subject: RE: MPM Silicones response

Will do.

Appreciate it,
Don

From: Bunker, Kelly [mailto:Bunker.Kelly@epa.gov]
Sent: Thursday, May 09, 2013 2:45 PM
To: Martin, Donald W
Cc: Armstead, Charles W
Subject: RE: MPM Silicones response

OK. You can call me at 215 814 2177. Thanks
Kelly

From: Martin, Donald W [<mailto:Donald.W.Martin@wv.gov>]
Sent: Thursday, May 09, 2013 2:44 PM
To: Bunker, Kelly
Cc: charles.w.armstead@wv.gov
Subject: RE: MPM Silicones response

Me three.

Thanks & talk with you then.
Don

From: Bunker, Kelly [<mailto:Bunker.Kelly@epa.gov>]
Sent: Thursday, May 09, 2013 2:38 PM
To: Armstead, Charles W; Martin, Donald W
Subject: RE: MPM Silicones response

That date and time is good for me.
Kelly

From: Armstead, Charles W [<mailto:Charles.W.Armstead@wv.gov>]
Sent: Thursday, May 09, 2013 2:21 PM
To: Bunker, Kelly; Martin, Donald W
Subject: RE: MPM Silicones response

Can we plan on Monday the 13th at 10am?
Charlie

From: Bunker, Kelly [<mailto:Bunker.Kelly@epa.gov>]
Sent: Thursday, May 09, 2013 2:16 PM
To: Martin, Donald W; Armstead, Charles W
Subject: RE: MPM Silicones response

Hello Don and Charlie – I am sorry I missed your call yesterday.
I am available until 4 today or we can talk on Monday or Tuesday, May 13 or 14, you pick the time.
Thank you.

Kelly L. Bunker
Environmental Scientist
PCB Coordinator
U.S. EPA Region 3
Land and Chemicals Division
Toxics Programs Branch (3LC61)
1650 Arch Street
Philadelphia, PA 19103
(215) 814-2177
(215) 814-3114 Fax
bunker.kelly@epa.gov

From: Martin, Donald W [<mailto:Donald.W.Martin@wv.gov>]
Sent: Tuesday, April 30, 2013 4:24 PM
To: Bunker, Kelly

Cc: pizarro, luis; Pratt, Stacie; charles.w.armstead@wv.gov

Subject: RE: MPM Silicones response

Hello Kelly,

I didn't know if Charlie was able to speak with you yet, so I thought we'd try to pick a mutually convenient time to talk. Is there some time Thursday afternoon that would work for you?

If not this Thursday, would you have time next week?

Thanks,

Don Martin

304-926-0499, ext. 1275

From: Pratt, Stacie [<mailto:Pratt.Stacie@epa.gov>]

Sent: Monday, April 29, 2013 11:55 AM

To: Armstead, Charles W

Cc: Martin, Donald W; Bunker, Kelly; pizarro, luis

Subject: RE: MPM Silicones response

Hi Charlie & Don. Per our conversation this morning, I understand the issues a bit differently re: MPM. The issues, as I understand now, have to do with (1) the removal of PCB-contaminated waste that was removed from the ground and placed in roll-offs in appr. 2008 (were they properly disposed of?); (2) since a limited assessment was done on the property, what type of delineation is required for the property/facility since they may be doing future excavations at the facility.

Well, I spoke a bit with Kelly Bunker, our TSCA/PCB expert here. She explained that if the release was pre-1978 and was 50 ppm or more, then once they removed the material out of the ground, they triggered TSCA. Under TSCA & the self-implementing policy, they must properly characterize and cleanup the entire site since they pulled this stuff out of the ground.

If my understanding of all the issues is correct, Kelly said she could discuss the situation with you all further and discuss with her management the possibly of doing an inspection & collecting samples at the Facility.

Charlie/Don – When you have time, please give Kelly a call to discuss things further at 215-814-2177. I have also cced her on this message.

If I can be of any further assistance, feel free to give me a call.

Thanks.

Stacie Pratt, Office of State Programs - 3LC50

US EPA Region 3

1650 Arch Street

Philadelphia, PA 19103

215-814-5173

From: Armstead, Charles W [<mailto:Charles.W.Armstead@wv.gov>]

Sent: Monday, April 29, 2013 10:39 AM

To: Pratt, Stacie

Cc: Martin, Donald W

Subject: RE: MPM Silicones response

Stacie, here are some of the more pertinent sections of the CD that I reviewed.

- Review of MPM CD
 - Request 2 - EPA0000877 Delineation of PCBs around Wastewater treatment area.
 - Request 1 - EPA0000847 Safety and Health Plan to mitigate contact of PCBs while working.
 - Request 12 - EPA0005739 string of emails concerning PCB roll offs.
 - Request 2 – docs concerning sample results and first ones are about sampling the soils around the WW treatment plant.

Charlie

From: Pratt, Stacie [<mailto:Pratt.Stacie@epa.gov>]
Sent: Thursday, April 25, 2013 1:36 PM
To: Armstead, Charles W; Martin, Donald W
Subject: RE: MPM Silicones response

Sounds good. You want to give me a call?

Thanks!

Stacie Pratt, Office of State Programs - 3LC50
US EPA Region 3
1650 Arch Street
Philadelphia, PA 19103
215-814-5173

From: Armstead, Charles W [<mailto:Charles.W.Armstead@wv.gov>]
Sent: Thursday, April 25, 2013 12:16 PM
To: Pratt, Stacie; Martin, Donald W
Subject: RE: MPM Silicones response

Stacie, Don and I would like to talk with you Monday around 10 am if you're available concerning this issue.
Charlie

From: Pratt, Stacie [<mailto:Pratt.Stacie@epa.gov>]
Sent: Wednesday, April 24, 2013 1:53 PM
To: Martin, Donald W; Armstead, Charles W
Cc: pizarro, luis
Subject: FW: MPM Silicones response

Hello Don & Charlie. I am trying to help out on this matter for Luis. During the call last week, Charlie mentioned that the PCB material had been moved. I would like to get some more info. on this – I have reviewed a bunch of material (e.g., Phase II report and EPA's Info. Request and response), and I never came across this. Could you tell me any specifics re: when the PCB material was moved, to where, and why? Is there some documentation that you have that explains this? I have spoken to our TSCA person – She explained that if PCB material was moved out of the ground, it would be considered illegal disposal (depending on how long the material was being stored). It is possible that an enforcement action could be taken under TSCA and a penalty could be collected. The violation would be considered a continuing violation until the material was properly disposed of, but it would be limited to only the material that had been moved,

and I don't think a site characterization would be required. However, these are just some preliminary thoughts until I can get some more info. from you all and discuss here with our attorney.

Thanks.

Stacie Pratt, Office of State Programs - 3LC50
US EPA Region 3
1650 Arch Street
Philadelphia, PA 19103
215-814-5173

From: pizarro, luis
Sent: Tuesday, April 23, 2013 5:33 PM
To: Pratt, Stacie
Subject: FW: MPM Silicones response

Lets include this in our conversation tomorrow

Luis A. Pizarro
Associate Director
Office of Remediation, LCD
US EPA Region 3
215 814 3444

From: Martin, Donald W [<mailto:Donald.W.Martin@wv.gov>]
Sent: Friday, April 12, 2013 5:10 PM
To: pizarro, luis
Cc: charles.w.armstead@wv.gov
Subject: RE: MPM Silicones response

Hello Luis,

While I understand that there may not be a RCRA connection to the MPM PCB issue (as noted on page 14 of the August 1983, PCB Regulations under TSCA EPA 100 Questions, I'm struggling with EPA's policy for a complete disconnect from PCBs disposed prior to 1978.

I'm trying to become better informed and have printed out the Standard Scrape Metal Company (TSCA Appeal # 87-4) and Rogers Corporation TSCA Appeal #98-1 and US Court of Appeals # 00-1542 decision 1/4/02 for some casual reading over the weekend to see if that helps.

My layman reading of parts of 40 CFR 761, including §761.50(b)(3)(i)(A), raises a couple of questions at this time;

- 1) What is the threshold required for the EPA Regional Administrator to inform the O/O that there is reason to believe an unreasonable risk is present and require data necessary to characterize the risk?
- 2) If the PCBs "disposed" prior to 1978 are subsequently disturbed after 1978, does that eliminate the EPA exemption provided in 761, and constitute "disposal" post-1978?

Since you're not the "TSCA person", who should we contact to further this issue and discussion?

Thanks for your assistance & enjoy the weekend,
Don Martin
304-926-0499, ext. 1275

From: Martin, Donald W
Sent: Wednesday, February 27, 2013 12:47 PM
To: Luis Pizarro
Cc: Charlie Armstead; Bill Wentworth
Subject: RE: MPM Silicones response

Here is the compilation from the submittal.

Thanks,

Don

From: Martin, Donald W
Sent: Wednesday, February 27, 2013 12:45 PM
To: Luis Pizarro
Cc: Charlie Armstead; Bill Wentworth
Subject: MPM Silicones response

Hi Luis,

I wanted to follow-up on our brief conversation yesterday about MPM and their response to the PCB Information request sent last fall, since it seems that we were both waiting on each other.

Attached is a memo outlining our thoughts concerning the site and the response. The referenced compilation of information used in formulating the memo is nearly 13 MB in size, so I might have to break it down & send it in two additional emails if it gets blocked during my initial attempt (we use to have a 10 MB cap/email).

Please let us know if you have any questions & thanks for your assistance.

Sincerely,

Don Martin

304-926-0499, ext. 1275